IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CUSTOMS APPEAL NO.9 OF 2005

The Commissioner of Customs,
Mumbai ...Appellant.

V/s.

M/s. Makalu Trading Ltd. ...Respondents.

Dr.A.H.Bhatija with Mrs.S.V.Bharkela with
Mr. Anurag Gokhale for the Appellant.
Mr.Ajay Sethi for the Respondent.

CORAM: S.RADHAKRISHNAN &
J.H.BHATIA, JJ.
DATE : 30th June, 2005.

P.C.:

1. Heard the learned counsel for the Appellant and for the Respondent. Perused substantial questions of law sought to be raised in the above Appeal. Also perused the judgment of the CESTAT dated 10th September, 2004. The CESTAT has set aside the imposed fine of Rs.95,000/- on the Respondents, mainly on the ground that in view of the fluctuations of currency value between US $ and EURO $ there was a short fall of 8 US Dollars with regard to each metric tonne. It appears that it is an established practice of Customs to condone such exchange rate fluctuations. In this case, the CESTAT has rightly held that no redemption fine has to be levied in view of

currency rate fluctuations. There is no dispute that the goods imported by the Respondent are freely allowed to be imported without a licence. Under the circumstances, we do not find any substantial question of law in the Appeal. Hence, the Appeal stands dismissed.

(S.RADHAKRISHNAN,J.)

(J.H.BHATIA, J.)